



IFW

Docket No.: 325772015300
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Atsushi ITO

Application No.: 09/506,453

Group Art Unit: 2624

Filed: February 18, 2000

Examiner: D. Q. Tran

For: PRINTER CAPABLE OF REFUSING RECEIPT
OF PRINTED MATERIALS SENT FROM AN
UNINTENDED SOURCE (as amended)

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed November 30, 2005 (Paper No. 20051125), applicant hereby provisionally elects claims 1-10 of Group I for continued examination, with traverse.

Applicant first notes that the Examiner has failed to mention claim 35, which was added by the Amendment filed on September 8, 2005. Since claim 35 depends from claim 1, Applicant will assume that claim 35 should have been included in Group I, and therefore elects claim 35 as well as claims 1-10 for continued examination.

Applicant traversed this Restriction Requirement based on several grounds. First, Applicant notes that the Restriction Requirement issued on January 18, 2005 grouped claims 1-10 and 12-31 "as being drawn to a structure of the printer or printing system in which the combination of different units are performed to process a print job." Now, in the outstanding Restriction Requirement, the Examiner claims that claims 1-10 and claims 12-31 are related as subcombinations which are distinct from each other. The Examiner already had the opportunity to

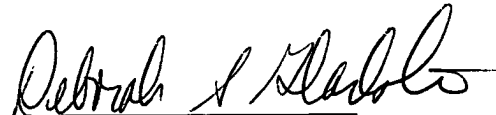
restrict the claims in this manner and did not. To do so now is unduly burdensome for the Applicant.

Further, the Examiner seems to base the current Restriction Requirement on the fact that claims 12-31 are drawn to a memory for registering a sending source for each output destination of a print job, without a message, and that claims 1-10 are drawing to a memory for storing the sending source and a message corresponding to the sending source, and that these are separate subcombinations. However, as stated above, the Examiner already had the opportunity to restrict the claims in this manner, and did not. Applicants have filed three responses on the merits of this case, and to now restrict the claims again, is unduly burdensome for the Applicant and the Examiner has failed to demonstrate how continuing to examine the claims as they are currently pending would present any burden to him. The Examiner has already performed a search on the substance of the pending claims. A further Restriction Requirement at this time is improper and should be withdrawn.

In the event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 325772015300.

Dated: December 29, 2005

Respectfully submitted,

By 

Deborah S. Gladstein

Registration No.: 43,636
MORRISON & FOERSTER LLP
1650 Tysons Blvd, Suite 300
McLean, Virginia 22102

(703) 760-7753